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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

11 CARMEN R. NARANJO, )  
12 Plaintiff, ) Civil No. 11-CV-2229-L (WVG)  
13 v. )  
14 SBMC MORTGAGE, *et al.*, ) AMENDED CASE MANAGEMENT  
15 Defendants. ) CONFERENCE ORDER  
REGULATING DISCOVERY AND  
OTHER PRETRIAL  
PROCEEDINGS; ORDER  
GRANTING JOINT MOTION TO  
STAY ACTION FOR 90 DAYS

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17 Pending before the Court is the parties' Joint Motion to Stay Action for 90 Days.  
18 (Doc. No. 35.) For good cause shown, the Joint Motion is hereby GRANTED. The  
19 amended schedule is set forth below.

20 IT IS HEREBY ORDERED:

21 1. On or before June 6, 2013, all parties shall exchange with all other parties a list  
22 of all expert witnesses expected to be called at trial. The list shall include the name, address,  
23 and phone number of the expert and a brief statement identifying the subject areas as to  
24 which the expert is expected to testify. The list shall also include the normal rates the expert  
25 charges for deposition and trial testimony. On or before June 18, 2013, any party may  
26 supplement its designation in response to any other party's designation so long as that party  
27 has not previously retained an expert to testify on that subject.  
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2. Each expert witness designated by a party shall prepare a written report to be provided to all other parties no later than July 3, 2013, containing the information required by Fed. R. Civ. P. 26(a)(2)(A) and (B).

**Except as provided in paragraph 4, below, any party that fails to make these disclosures shall not, absent substantial justification, be permitted to use evidence or testimony not disclosed at any hearing or at the time of trial. In addition, the Court may impose sanctions as permitted by Fed. R. Civ. P. 37(c).**

3. Any party, through any expert designated, shall in accordance with Fed. R. Civ. P. 26(a)(2)(C) and Fed. R. Civ. P. 26(e), supplement any of its expert reports regarding evidence intended solely to contradict or rebut evidence on the same subject matter identified in an expert report submitted by another party. Any such supplemental reports are due on or before July 17, 2013.

4. All discovery pertaining to expert witnesses shall be completed on or before August 2, 2013.

*"Completed"* means that all discovery under Rules 30-36 of the Federal Rules of Civil Procedure must be initiated a sufficient period of time in advance of the cut-off date, so that it may be completed by the cut-off date, taking into account the times for services, notice, and response as set forth in the Federal Rules of Civil Procedure. All disputes concerning discovery shall be brought to the attention of the Magistrate Judge no later than thirty (30) days following the date upon which the event giving rise to the discovery dispute occurred. Counsel shall meet and confer pursuant to the requirements of Fed. R. Civ. P. 26 and Local Rule 26.1(a).

5. All motions, other than motions to amend or join parties, or motions in limine, **shall be filed** on or before August 23, 2013.<sup>1/</sup>

Motions will not be heard or calendared unless counsel for the moving party has obtained a motion hearing date from the law clerk of the judge who will hear the motion.

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<sup>1/</sup> Counsel should note that while historically motion cut-off deadlines issued by this Court were deadlines for motion hearings, the motion cut-off dates now being issued establish deadlines for the parties to file motions.

1 **Be advised that the parties must file their moving papers within three (3) days of**  
 2 **receiving the motion hearing date from the Court. Be further advised that the period**  
 3 **of time between the date you request a motion date and the hearing date may be up to**  
 4 **six weeks. Please plan accordingly.** For example, you may need to contact the judge's law  
 5 clerk at least six weeks in advance of the motion cut-off to calendar the motion. Failure of  
 6 counsel to timely request a motion date may result in the motion not being heard. **Motions**  
 7 **will not be heard on the above date unless you have obtained that date in advance from**  
 8 **the judge's law clerk.**

9 6. Briefs or memoranda in support of or in opposition to any pending motion shall  
 10 not exceed twenty-five (25) pages in length without permission of the judge who will hear  
 11 the motion. No reply memorandum shall exceed ten (10) pages without leave.

12 7. A Mandatory Settlement Conference shall be conducted on **June 20, 2013**, at  
 13 **9:00 a.m.**, in the chambers of Magistrate Judge William V. Gallo. Counsel shall submit  
 14 **confidential** settlement statements **directly to chambers** no later than **June 13, 2013**. Each  
 15 party's settlement statement shall set forth the party's statement of the case, identify  
 16 controlling legal issues, concisely set out issues of liability and damages, and shall set forth  
 17 the party's settlement position, including the last offer or demand made by that party, and a  
 18 separate statement of the offer or demand the party is prepared to make at the settlement  
 19 conference. **Settlement conference briefs shall not be filed with the Clerk of the Court,**  
 20 **nor shall they be served on opposing counsel. Settlement conference briefs shall comply**  
 21 **with the undersigned's Chambers Rules.**

22 8. Pursuant to Local Civil Rule 16.3, all party representatives and claims adjusters  
 23 for insured defendants with full and unlimited authority<sup>2/</sup> to negotiate and enter into a  
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25 <sup>2/</sup> "Full authority to settle" means that the individuals at the settlement conference must be  
 26 authorized to fully explore settlement options and to agree at that time to any settlement terms  
 27 acceptable to the parties. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648 (7th Cir.  
 28 1989). The person needs to have "unfettered discretion and authority" to change the settlement position  
 of a party. Pitman v. Brinker Int'l, Inc., 216 F.R.D. 481, 485-86 (D. Ariz. 2003). The purpose of  
 requiring a person with unlimited settlement authority to attend the conference includes that the person's  
 view of the case may be altered during the face to face conference. Id. at 486. A limited or a sum  
 certain of authority is not adequate. Nick v. Morgan's Foods, Inc., 270 F.3d 590 (8th Cir. 2001).

1 binding settlement, as well as the principal attorney(s) responsible for the litigation, must be  
 2 present and legally and factually prepared to discuss and resolve the case at the mandatory  
 3 settlement conference. Retained outside corporate counsel shall not appear on behalf of a  
 4 corporation as the party who has the authority to negotiate and enter into a settlement. For  
 5 good cause, and on ex parte application at least one week before the scheduled settlement  
 6 conference, Magistrate Judge Gallo may excuse a party or representative from personal  
 7 attendance provided such party or parties will be available by telephone during the  
 8 conference. Failure to attend the conference or obtain proper excuse will be considered  
 9 grounds for sanctions. Counsel seeking to reschedule an Settlement Conference must first  
 10 confer with opposing counsel. The Court will consider formal, written *ex parte* requests to  
 11 continue a Settlement Conference when extraordinary circumstances exist that make a  
 12 continuance appropriate. In and of itself, having to travel a long distance to appear at the  
 13 Settlement Conference is not an extraordinary circumstance.

14 Counsel for a government entity may be excused from this requirement so long as the  
 15 government attorney who attends the Settlement Conference (1) has primary responsibility  
 16 for handling the case; and (2) may negotiate settlement offers which the attorney is willing  
 17 to recommend to the government official who has ultimate settlement authority.

18 9. Parties or their counsel shall serve on each other and file with the Clerk of the  
 19 Court their Memoranda of Contentions of Fact and Law in compliance with Local Rule  
 20 16.1(f)(2) on or before November 18, 2013.

21 10. All parties or their counsel shall also fully comply with the Pretrial Disclosure  
 22 requirements of Fed. R. Civ. P. 26(a)(3) on or before November 18, 2013. **Failure to**  
 23 **comply with these disclosures requirements could result in evidence preclusion or other**  
 24 **sanctions under Fed. R. Civ. P. 37.**

25 11. Counsel shall meet together and take the action required by Local Rule  
 26 16.1(f)(4) on or before November 25, 2013. At this meeting, counsel shall discuss and  
 27 attempt to enter into stipulations and agreements resulting in simplification of the triable  
 28 issues. Counsel shall exchange copies and/or display all exhibits other than those to be used

1 for impeachment. The exhibits shall be prepared in accordance with Local Rule  
2 16.1(f)(4)(c). Counsel shall note any objections they have to any other parties' Pretrial  
3 Disclosures under Fed. R. Civ. P. 26(a)(3). Counsel shall cooperate in the preparation of  
4 the proposed pretrial conference order.

5 12. The proposed final pretrial conference order, including objections they have to  
6 any other parties' Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures shall be prepared, served and  
7 lodged with the Clerk of the Court on or before December 2, 2013, and shall be in the form  
8 prescribed in and in compliance with Local Rule 16.1 (f)(6). Counsel shall also bring a court  
9 copy of the pretrial order to the pretrial conference.

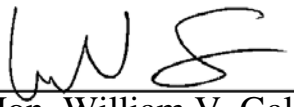
10 13. The final pretrial conference shall be held before the Honorable M. James  
11 Lorenz, United States District Court Judge, on December 9, 2013, at 11:00 a.m.

12 14. The dates and times set forth herein will not be further modified except for good  
13 cause shown.

14 15. Plaintiff's counsel shall serve a copy of this order on all parties that enter this  
15 case hereafter.

16 IT IS SO ORDERED.

17 DATED: March 5, 2013

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20 Hon. William V. Gallo  
21 U.S. Magistrate Judge  
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